

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2014-481-WS

IN RE:)	
)	
B2 HOLDINGS, L.L.C)	
COMPLAINANT,)	
)	NOTICE OF MOTION AND
)	MOTION TO AMEND
)	COMPLAINT.
v.)	
CAROLINA WATER SERVICE, INC.,)	
DEFENDANT.)	
_____)	

To the Defendant above-named:

YOU WILL PLEASE TAKE NOTICE B2 Holdings moves to amend the Complaint in this case because the original complaint was filed before B2 Holdings had representation in this case.

FACTS

1. Complainant, B2 Holdings, L.L.C., is a limited-liability company, registered in and operating in the state of South Carolina, that owns commercial real estate and pays the water and sewer bills for some or all of the businesses located therein.

2. Complainant receives water and wastewater collection services from the Defendant, Carolina Water Service, Inc.

3. Complainant previously filed 2013-71-WS, alleging unfair wastewater collection rates. Since that case was dismissed, Complainant has been charged a penalty by the defendant water service.

Also since that time, South Carolina Department of Health and Environmental Control has introduced an amendment to R.61-67, the document Defendant Water Service uses to set wastewater collection rates. This amendment reduces the required wastewater treatment capacity for sewage treatment facilities by at least 25 percent. See exhibit 3 to the pre-filed testimony filed by complainant.

ARGUMENT

1. B2 HOLDINGS ARGUES THAT DEFENDANT'S WASTEWATER COLLECTION RATES ARE UNREASONABLE AND UNFAIR TO SMALL BUSINESSES.

B2 Holdings argues that the rates charged under the present tariff for wastewater collection from a business are unreasonable. Apparently the South Carolina Department of Health and Environmental Control agrees. Proposed amendments to R.61-67 (the DHEC document used by Defendant water company to set wastewater collection rates) are attached as EXHIBIT 3 to complainant's testimony.

The amendments would reduce the cost of wastewater removal charged each business by approximately 25 percent. DHEC states, "The purpose of this amendment is to reduce unit loading flows in Appendix A by 25 percent based on the knowledge of water savings fixtures and improved designed of sewer collection systems." (Exhibit 3, page 1).

B2 Holdings asks to be charged from now forward according to the new, amended R.61-67 proposed by South Carolina DHEC. B2 Holdings also asks to

be grandfathered in to this new wastewater collection rate from the time he filed 2013-71-WS.

2. THE RESTAURANT ON COMPLAINANT'S PREMISES WAS CLOSED FROM OCTOBER 2012 TO NOVEMBER 2013.

The Complainant, B2 Holdings, pays the water and sewer bill for this building, which contains restaurant space and an office. During the time when the restaurant was closed, The restaurant used no water, but B2 Holdings was charged for wastewater collection in the amount of three Single Family Equivalents (three SFEs). A business office with one full-time and one part-time employee was operating in the building during that year, but not a restaurant.

Complainant asks for repayment of however much he was overcharged for wastewater collection during that year.

3. IF REQUIRED TO PAY, B2 HOLDINGS SHOULD HAVE SIX MONTHS TO REPAY THE \$1140 ALLEGED UNDERPAYMENT.

The Complainant disputes that he should be required to pay the difference between three SFEs and 9.4 SFEs for the six months preceding January 2015. If this amount is charged under South Carolina Regulation 103-533, then Complainant should be given six months to repay this amount, under S.C. Code Reg. 103-533 (2) (c).

4. B2 HOLDINGS ASKS THAT THE RATE FOR WASTEWATER COLLECTION SERVICES BE BASED ON THE WATER USED BY SMALL BUSINESSES RATHER THAN ON THEIR CAPACITY TO SERVE THE PUBLIC.

B2 Holdings argues that the rates charged by defendant for wastewater collection are unfair and hurt small business. For billing date 10/30/2014 through 11/24/2014, for example, the complainant is paying \$121.74 for water, but \$333.17 for wastewater collection. (Exhibits 1 and 2 to Ken Bozeman's pre-filed testimony). The wastewater collection rate is out of proportion to the amount of water the business is using.

Upon information and belief, the wastewater treatment rates charged by the defendant are based on businesses operating at full capacity. B2 Holdings asks that an exception to wastewater treatment rates be made available to his small business tenants which are operating under capacity.

DATE: February 12, 2015

/s/ Laura P. Valtorta
Laura P. Valtorta
Attorney for Plaintiff
903 Calhoun Street
Columbia, S.C. 29201
(803) 771-0828